

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
RECEIVED

Application of: Johnson
Serial No.: 09/158,120
Filed: September 21, 1998
For: Human-Murine Chimeric Antibodies Against Respiratory Syncytial Virus
Group: 1644
Examiner: Roark

01/26/2004 SLUANG1 00000019 09158120
01 FC:1801 770.00 OP
02 FC:1006 770.00 OP
03 FC:1401 330.00 OP
04 FC:1254 1480.00 OP
05 FC:1253 950.00 OP
06 FC:1253 950.00 OP
07 FC:1253 950.00 OP
08 FC:1461 660.00 OP

Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

REQUEST TO ACCEPT DEFICIENCIES IN FEES UNDER 37 C.F.R. 1.28(c)

SIR:

This is a request to accept deficiencies in fees under 37 C.F.R. 1.28(c).

Certain fees during prosecution of the above-identified application were paid under the mistaken belief that the assignee of the claimed subject matter of the above-identified application, MedImmune, Inc. was a small entity, where in fact MedImmune, Inc. is a large entity. Applicant's attorney was informed recently that MedImmune, Inc. is a large entity and not a small entity. The fees that were paid in the mistaken belief that MedImmune, Inc. was a small entity were as follows:

1. Notice of Appeal and three-month extension of time - July 16, 2001:

Adjustment dates: 03/22/2004 AKELLEY
07/16/2001 RUMH9991 00000074 09158120
01 FC:219 -155.00 OP
02 FC:217 -660.00 OP
Fee paid - \$600.00
Total fee due - \$1,260.00

Adjustment dates: 03/22/2004 AKELLEY
01/26/2004 SLUANG1 00000019 09158120
03 FC:1461 -660.00 OP
Deficiency - \$660.00

2. Request for Continued Prosecution Application plus three-month extension of time - December 10, 2001:

03/22/2004 AKELLEY 00000034 030570 09158120
01 FC:1461 330.00 OP
02 FC:1253 950.00 OP

Fee paid - \$830.00
Total fee due - \$1,720.00
Deficiency - \$890.00

3. Three-month extension of time - September 9, 2002:

Fee paid - \$460.00
Total fee due - \$950.00
Deficiency - \$490.00

4. Notice of Appeal and three-month extension of time - July 10, 2003:

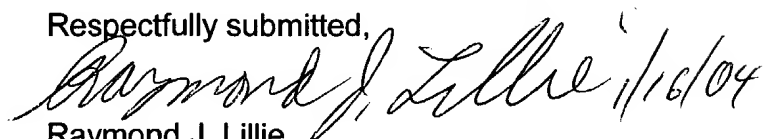
Fee paid - \$625.00
Total fee due - \$1,280.00
Deficiency - \$655.00

5. Request for Continued Examination and four-month extension of time:

Fee paid - \$1,125.00
Total fee due - \$2,250.00
Deficiency - \$1,125.00

The error with respect to the small entity status of MedImmune, Inc. was made in good faith and without deceptive intent. A check in the amount of \$3,820.00, the total amount of fee deficiencies, accompanies this request. It is therefore respectfully requested that this request to accept deficiencies in fees be granted.

Respectfully submitted,


Raymond J. Lillie
Registration No. 31,778



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(S) #

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Examining Operations

Application of: Johnson, et al.
Serial No: 09/158,120 Art Unit: 1644
Filed: September 21, 1998 Examiner: Roark
Title: Human-Murine Chimeric Antibodies Against Respiratory Syncytial Virus
Attorney
Docket No.: 469201-367 Customer No. 27162

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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JAN 26 2004
OFFICE OF PETITIONS
OFFICE

SIR:

Enclosed please find the following:

1. Request to Accept Deficiencies in Fees Under 37 C.F.R. 1.28 (c);
2. Check in the amount of \$3,820.00; and
3. A self-addressed, postage paid, return receipt postcard, date stamp and return of which is respectfully requested.

The Commissioner is authorized to charge payment of any additional filing fees required under 37 C.F.R. 1.16 associated with this communication or credit any overpayment to Deposit Account No. 03-0678.

FIRST CLASS CERTIFICATE

I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Raymond J. Lillie 1/16/04
Raymond J. Lillie, Esq. Date

Respectfully submitted,

Raymond J. Lillie
Raymond J. Lillie, Esq.
Reg. No. 31,778

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